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January 24, 2023

VIA ECF

Hon. Valerie Caproni
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 01/30/2023

MEMO ENDORSED

Re: Senior v. Adrian College
Case No.: 1:22-cv-08531
Our File No.: 7265.0232

Dear Judge Caproni:

Attached is a proposed Stipulation of Dismissal for the Court's review and execution. The Stipulation is similar to one previously executed by this Court (See *Stevez v Russell Sage College*, 1:21-cv-6171 [SDNY 2022][Docket No. 21]). As this matter is not going to proceed as a class action that language is removed from the Stipulation's caption, similar to the language struck by the Court in the *Stevez* case.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'J. Bernstein', written over a horizontal line.

Jonathan M. Bernstein

JMB/mmww

Cc: GOTTLIEB & ASSOCIATESb- VIA ECF
Jeffrey Gottlieb, Esq.
150 East 18th Street, Suite PHR
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Please send mail to our scanning center at: PO Box 657, Buffalo, NY 14201

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILAGROS SENIOR,

Plaintiff,

v.

ADRIAN COLLEGE,

Defendant.

Civil Action No. 1:22-cv-8531

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between the parties in the above-captioned action, through their respective undersigned counsel, and in accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, that the action be dismissed with prejudice, with each party to bear its own fees and costs.

IT IS FURTHER STIPULATED AND AGREED, Defendant has taken and will continue to take through January 9, 2024, commercially reasonable steps necessary to cause those public facing portions of its website <https://www.adrian.edu> ("the Website") to provide effective communication to users with disabilities. Defendant shall use the Web Content Accessibility Guidelines ("WCAG") WCAG 2.1 Levels A and AA as a guide in providing effective communication.

IT IS FURTHER STIPULATED AND AGREED, that, notwithstanding anything contained herein, the Website shall be permitted to link to web content owned or operated by others containing Third-Party Content (as defined below) that may not be accessible to individuals with disabilities. The term "Third-Party Content" refers to web content that is not developed, owned, or operated by Defendant or any of its subsidiaries or affiliates. The Parties agree Defendant is not responsible for the accessibility of such Third-Party Content.

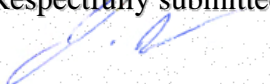
IT IS FURTHER STIPULATED AND AGREED, that notwithstanding anything contained herein, if the ADA is amended, if the Supreme Court or the U.S. Circuit Court of Appeals for the Second Circuit recognizes a standard for website accessibility, or if the DOJ promulgates a final ADA Title III regulation setting out a website accessibility standard before January 9, 2024, Defendant will commence reasonable and necessary efforts to ensure legal compliance with such standards within the time frames set forth in the law, guidelines, or regulations. However, if the ADA is amended, or if the Supreme Court, the U.S. Circuit Court of Appeals for the Second Circuit or DOJ indicate the ADA is not applicable to websites then Defendant is relieved of its obligations set forth in this Stipulation of Dismissal.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be executed in counterparts and facsimile signatures shall be deemed originals for the purpose of filing.

Dated: January 5, 2023

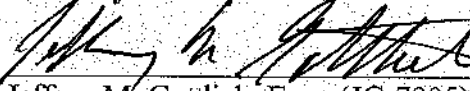
Respectfully submitted,

By:


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Attorneys for Defendant

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Attorney for Plaintiff

Application GRANTED.

The Clerk of Court is respectfully directed to terminate all deadlines and to CLOSE the case. The Clerk of Court is further directed to delete the language "on behalf of herself and all other persons similarly situated" from the case caption, as this dismissal is only operative between the individual Plaintiff and Defendant.

SO ORDERED.

 01/30/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE